

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

Danny Manzanares,  
Plaintiff,

vs.

No. CIV 05-00095 JP/LFG

SEAN HIGDON, an Officer of the  
Albuquerque Police Department,  
Individually,  
Defendant.

**AFFIDAVIT OF JOE M. ROMERO, JR.**

STATE OF NEW MEXICO )  
                          )  
                          ) ss.  
COUNTY OF BERNALILLO )

I, Joe M. Romero, Jr., being first duly sworn and upon my oath, affide and state:

1. I am an attorney licensed to practice law in the State of New Mexico since 1986 and before the United States District Court for the District of New Mexico, the United States Tenth Circuit Court of Appeals, and the United States Supreme Court;

2. Based on the many cases that I have handled before it over the years, this court is familiar with my experience in the litigation of civil rights cases, both at the trial level and on appeal;

3. Because of my involvement in civil rights cases and because of federal congressional recognition that civil rights litigation is comparable in complexity to other complex federal litigation such as securities and antitrust litigation, I am familiar with the market rates of lawyers in the New Mexico market for civil rights litigation;

4. I am also aware of the increasingly small pool of lawyers in New Mexico who are willing and able to represent plaintiffs in civil rights actions;

5. It is my opinion that the hourly rate of \$250 sought by Plaintiff's attorney Arlon L. Stoker in the above-styled and captioned case is fair and reasonable. The rate is within the market range for lawyers of comparable skill and experience in the New Mexico legal community;

6. I base my opinion both on my personal knowledge of Mr. Stoker's experience and skill, as I have served as co-counsel with him on several cases, and also on my knowledge of the attorney hourly rates currently prevailing in the New Mexico legal community;

7. I base my opinion also on the hourly rates set by the United States District Court for the District of New Mexico for attorneys of comparable skill and experience to Mr. Stoker in cases comparable to the case at bar which compare favorably to the rate sought by Plaintiff's counsel here. **See., e.g., *Ortega v. Brokop***, CIV 04-0262 BB/RHS (Order entered 12/28/05, Doc. 44, adopting Magistrate Judge's 11/8/05 recommendation, Doc. 35, at p.3, recommending fees to Farmington Attorney Victor Titus at \$275 per hour); ***Chavez v. Baca***, CIV No. 04-571 JCH/RHS (Memorandum Opinion and Order, 3/13/07, Doc. 201, awarding Santa Fe attorneys Susan Weckesser attorney fees at \$250/hour); ***Kee v. Smith***, CIV No. 02-1243 JH/RHS (Memorandum Opinion and Order 12/21/06, Doc. 139, awarding attorney Ray Twohig \$250 per hour), *reversed on other grounds sub nom Kee v. Ahlm*, No. 06-2088 (10<sup>th</sup> Cir. 3/2/07); Kelly v. City of Albuquerque, 2005 WL 3663515 (D.N.M. 2005) (Browning, J.) (in awarding requested \$250 per hour to Albuquerque attorney Steve Sanders, the court stated that its own experience before being appointed to the bench in 2003 was that several members of the complex commercial litigation bar billed at rates of \$250 and \$275, including the judge's own partner); ***Nieto v. Kapoor***, No. CIV 96-1225 MV/JHG (Memorandum Opinion and Order entered 6/12/01, at 12, awarding Roswell attorney Tandy Hunt \$250 per hour in civil rights employment case); ***Huerta v. City of Santa Fe***, CIV

01-968, RLP/DJS, (Memorandum Opinion and Order entered 3/12/03, awarding Albuquerque attorney Eric Sirokin \$240 per hour); *Payton-Huebner v. City of Roswell*, CIV 01-1233 WJ/LCS (Memorandum Opinion and Order entered 2/6/03, at pp. 2-3, awarding attorney Lorenzo Tapia \$250/hour).

FURTHER AFFIANT SAYETH NAUGHT.

/s/  
Joe M. Romero, Jr.

**SUBSCRIBED AND SWORN TO** before me, a Notary Public of the State of New Mexico, by Dennis W. Montoya this 4<sup>th</sup> day of February, 2010.

/s/ My Commission Expires:  
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NOTARY

(Seal)